IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.4291 OF 2006

Karthikeyan Palaniyappan Chettiar .. Applicant.

V/s.

The State of Maharashtra & Ors. .. Respondents.

Shri.P.K.Waghmare & Harshad Bhadbhade for the applicant.

Shri.Rajesh More, A.P.P. for the State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 12TH DECEMBER, 2006

P.C.:

1. The applicant is arrested in connection with C.R.No.80 of 2006 which has been forwarded for investigation to G.B.C.B.C.I.D., E.O.W., Mumbai. The offences alleged are criminal breach of trust, forgery and cheating. The applicant is arrested on 13th August, 2006. He was remanded to custody till 25th August, 2006. Thereafter, he has been remanded to Magisterial custody.

2. The applicant's application for bail has been rejected by the learned Metropolitan Magistrate and the Additional Sessions Judge. The order of rejection was on the basis that the investigations are in progress. However, the learned A.P.P. submits that the investigations are over as far as the present applicant is concerned and chargesheet is also filed. The application has also been rejected on the ground that the applicant is permanently residing in Bangalore and if enlarged on bail, he would not be available at the trial.

3. The learned advocate appearing for the applicant contends before me that the F.I.R. as also other relevant documents perused as a whole, would reveal that the applicant is an mediator, who has introduced the complainant and the other party. As far as the transactions are concerned so also handing over of the Demand drafts and cheque amounts, the applicant has no role to play. As far as the demand drafts being bogus and forged, the applicant has not been charged with preparation thereof so also the presentation. In such circumstances and by imposing stringent conditions, the applicant can be enlarged on bail.

4. Hence, the following order : -

ORDER :

(i) Applicant is directed to be released on bail in connection with C.R.No.80 of 2006, registered with G.B.C.B.C.I.D., E.O.W. on executing personal bond in the sum of Rs.50,000/- (Rs.Fifty thousand only) with one or two local sureties in like amount.

(ii) The applicant shall not influence prosecution witnesses or tamper with the prosecution evidence in any manner, whatsoever.

(iii) The applicant shall report to the concerned G.B.C.B.C.I.D., E.O.W., on every Saturday between 11.00 a.m. and 1.00 p.m. for a period of three months from today and thereafter as directed by the trial court. The applicant shall surrender his passport, if any, before the I.O. till conclusion of the trial. The applicant shall not leave India without prior permission of the trial court.

(iv) The applicant shall disclose his place of residence to the Investigating Officer as well as the Trial Court where he would stay after the release on bail and shall report to the Trial Court before he travel beyond the State of Karnataka where he would ordinarily reside.

(v) The applicant shall co-operate for early disposal of the trial. In the event, the Trial Court is of the opinion that the applicant is responsible for delay in trial, that be recorded in roznama and that can be the basis for cancellation of bail.

(vi) Application disposed of.

(S.C.Dharmadhikari, J.)